

I.C.R. 45. Time

Idaho Criminal Rule 45. Time.

(a) Computation of time periods. In computing the time period prescribed or allowed for the filing or service of any document in these rules, the day of the act or event after which such designated period of time begins to run is not to be included, but the last day of the period so computed is to be included unless it is a Saturday, Sunday or non-judicial day, as defined by section 1-1607, Idaho Code, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or non-judicial day as defined in section 1-1607, Idaho Code.

(b) Enlargement. When an act, other than the filing of a notice of appeal, is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion:

(1) With or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order,

(2) Enlarge the time upon motion made after the expiration of the specified period and permit the act to be done if the failure to act was the result of excusable neglect, or

(3) Enlarge the time upon stipulation of the parties; but the court may not extend the time for taking any action under Rules 29, 34 and 35, or for the perfecting of an appeal, except to the extent and under the condition stated therein.

(c) For motion, affidavits. A written motion, other than one which may be heard ex parte, and notice of hearing thereof, shall be served not later than seven (7) days before the time specified for the hearing unless a different period of time is fixed by rule or by order of the court. For cause shown such an order may be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion and opposing affidavits must be served not less than one (1) day before the hearing unless the court permits them to be served at a later time.

(d) Additional time after service by mail. Whenever a party has the right or is required to do an act within a prescribed period after the service of a notice or other paper upon the party and a notice or other paper is served upon the party by mail, three (3) days shall be added to the prescribed period.

(Adopted December 27, 1979, effective July 1, 1980.)

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